

TITLE 4
BUSINESS LICENSES AND REGISTRATION

Chapter 1. Peddlers

§4101. License required; exceptions

(a) Except as hereinafter provided, it shall be unlawful for any person, individually or through employees or agents, to engage in the business of solicitor, (door to door salesman), of any merchandise, article or thing on property in the Village not owned or leased by them or for which permission of the owner or lessee has not previously been obtained without having first secured a license therefor as hereinafter provided.

(b) Nothing in this section or chapter shall be construed to require a license for any person hawking or peddling items for which no fee or other consideration is received or requested, or, for which any fee or other consideration received or requested is exclusively used or to be used to benefit a bona fide non-profit organization, or, in connection with an event carried on by students to raise money for school sponsored projects, nor shall this section or chapter be construed to apply to occasional sales such as lemonade stands and the like.

(c) Notwithstanding any other provision in this chapter, no person shall be required to obtain a license hereunder solely for purposes of selling fruits, vegetables or other farm produce.

§4102. Applications for license

Applications for a license required under section 4101 of this chapter shall be made to the Woodstock Village Chief of Police in such form as shall be prescribed by said Chief of police, from time to time, shall contain at a minimum the information required by section 4103 of this chapter, and shall be signed by the applicant or by an agent of the applicant. A processing fee of \$25.00 shall accompany all applications. An application shall be deemed completed when delivered, together with the processing fee, to the office of the, Village Chief of Police, with all information requested on the form completely answered. All applications for a license amendment or renewal shall be treated as an application for an original license.

§4103. Minimum contents of application

Applications for a permit required under section 4101 of this chapter shall include, at a minimum, the following information:

- (a) Name and permanent address of the solicitor (door to door salesman);
- (b) Whether or not the applicant is acting as agent of some person and, if so, the name and permanent address of the principal;
- (c) Description of the kind and amount of merchandise to be sold or distributed;
- (d) Description and number of any vehicles, carts, or other conveyances, if any, intended to be operated or used in the business;
- (e) Description of all Village locations and/or routes intended to be used by the solicitor in the business, with particular details with respect to any Village streets, sidewalks, parks or other public places to be used;

- (f) Whether an annual license or a limited license is being applied for, and if a limited license is being applied for, a specification of the date(s) and times to be covered by the license; and
- (g) A certification as to whether or not the applicant or any of the applicant's agents or employees has had any previous license hereunder revoked within the last three years or has, as an agent or employee of another licensee hereunder, knowingly participated in any acts for which such other person's license hereunder was revoked within such time, together with a description of such events, if any.

§4104. Approval or denial of applications; issuance of permit; appeals

- (a) Upon receipt of a completed application and processing fee Village Chief of Police shall note the date of receipt of the application
- (b) Upon consideration of such application and the standards set forth in section 4105 of this chapter where applicable, the Village Chief of Police, shall grant or deny such application, with or without any applicable conditions related to such standards, and if granted shall issue a license therefor which shall specifically state any conditions. If an application is denied the decision shall be in writing and a copy thereof shall be mailed to the applicant at the applicant's address as appears on the application, or, in the alternative such decision may be hand delivered to the applicant within such time. If an application is granted, the license shall be in writing and the license shall be mailed to the applicant at the applicant's address as appears on the application, or, in the alternative such license may be hand delivered to the applicant within such time. Any decision which is appealable under subsection (c) of this section shall be so mailed or hand delivered within seven days of the issuance thereof.
- (c) An applicant may appeal any decision issued by the directly Village Chief of Police to the Board of Village Trustees within thirty days from the date of issuance, in which event the Board shall decide the application *de novo* at its next regular meeting at which a quorum is present in the same manner as if the application was originally presented to the Board for its consideration.
- (d) A license granted hereunder or any decision to deny such license shall become effective immediately upon issuance. A licensee hereunder may operate under and in accordance with such licensee's license notwithstanding any appeal taken pursuant to subsection (c) of this section but such license appealed from shall automatically terminate and be void upon the issuance of the Board's decision upon such appeal and notice thereof to the licensee, notwithstanding any provisions contained in such license to the contrary.

§4105. Standards

- (a) No license shall be issued to any person who has had a previous license hereunder revoked within the last three years or who, as an agent or employee of another licensee hereunder, knowingly participated in any acts for which such other person's license hereunder was revoked within such time.
- (b) No license shall be issued to any person who intends to use any agent or employee in the business who has had a previous license hereunder revoked within the last three years

or who, as an agent or employee of another licensee hereunder, knowingly participated in any acts for which such other person's license hereunder was revoked within such time.

(c) Hawking and peddling shall not be permitted before 10:00 a.m. or after sunset unless done in connection with a special occasion for which adequate police protection has been arranged.

(d) Hawking and peddling involving entry onto private lands shall not be allowed on Sundays.

(e) The scope, time, location, and permanence of the proposed business activities, including but not limited to whether the license is to be annual or limited, the type and number of vehicles, carts, or other conveyances, if any, intended to be operated or used in the business, the kind and amount of merchandise to be peddled, and whether the merchandise is to be peddled on any Village streets, sidewalks, parks, or other public places shall be considered in light of possible safety hazards and disruption of pedestrian and vehicular traffic and also in light of any added time and expense relating to police protection which may be reasonably anticipated to arise by reason of such activities. If denial of an application is not appropriate in light of such factors in a particular case, then such conditions ought to be imposed as might reasonably serve to minimize such hazards and disruption. A license may be conditioned upon paying a fee to the Village, in addition to the processing fee, which reasonably relates to such factors, but in no event shall such fee exceed \$500.00 per calendar year for any license.

(f) No license shall be issued if the business involves any activity known, at the time, to be illegal and all such licenses shall be conditioned upon performance of only such activities as are legal.

(g) No license shall be issued to allow such business activity on any Village streets, sidewalks, parks, or in any other public places unless the license is specifically conditioned upon limiting such activities to a specified location. Reasonable conditions shall also be imposed to regulate the size and placement of any signs to be used in connection with the business at any such location.

(h) Annual licenses shall be effective from the date of issuance to the end of the calendar year. Limited licenses shall be effective for the dates and times therein specified which shall all be within one calendar year.

(i) All licenses shall be conditioned upon compliance with section 4106 of this chapter.

(j) All licenses shall describe the nature and scope of the activity permitted and shall be conditioned that there be no material change or increase in the nature and scope of the permitted activity from that as described on the license without first procuring a new license therefor.

§4106. Duty to correct information on application

If at any time during the term of a license, the information which was submitted on the application therefor becomes inaccurate or incomplete, the licensee shall notify the Chief of Police in writing, within 10 days of the date such information became inaccurate or incomplete, and such notice shall contain all information necessary to correct the information contained on the application or previous notices of changed information.

§4107. Applications to be available to public

All applications and notices of changed information made or given pursuant to this chapter shall be made available for public inspection at the office of the Village Chief of Police during usual business hours.

§4108. Revocation of license

The Village Chief of Police or the Village Board of Trustees, upon due notice, hearing, and opportunity for the licensee to be heard, may revoke any license issued hereunder upon a finding that the licensee, either directly or through an agent or employee, has engaged in any act of fraud, cheating, or misrepresentation, while operating in the Village pursuant to such license or has violated any condition of his or her license.

§4109. Violations of license terms or conditions

No person on whose behalf a license is issued under this chapter shall violate any term or condition contained in such permit or knowingly permit others to violate any such term or condition. The fact that the alleged violation or any prior violation resulted in the termination of the permit and any rights thereunder shall not constitute a defense to an action brought under this section.

History:

1996 Amendment. Section was generally amended by section 5 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Revision note: catchline was amended to delete reference to penalty, which is now covered by Chapter 3 of Title 1, W.V.O., and to describe nature of new provision.

2016 Amendment changed the term of “hawker or Peddler” to “Solicitor (door to door salesman). The party responsible to review and act on applications was changed from the Board of Village Trustees to the Village Police Chief.